UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

DONTA I DAIM

DONTA L. PALM, : CASE NO. 5:05-CV-2667

Plaintiff,

v. : OPINION & ORDER

: [Resolving Doc. No. <u>38</u>]
UNITED STATES OF AMERICA. :

.

Defendant.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Donta Palm attempts for the third time to reopen his case against the United States.

[Doc. 38.] The Court **DENIES** Plaintiff's motion.

In 2006, the Court dismissed Plaintiff's claims finding that it lacked subject matter jurisdiction; in 2008, the Sixth Circuit affirmed. [Doc. 17; Doc. 26.] Plaintiff moved in December 2010 and February 2011 to reopen the case. The Court denied both motions because Plaintiff presented no newly-discovered relevant evidence and otherwise failed to persuade the Court that relief from the judgment should be granted. [Doc. 33; Doc. 37.]

After a thorough review of the supporting documentation accompanying Plaintiff's third motion to reopen, which consists mostly of letters from Plaintiff's relatives retelling the story, the Court still finds no legal basis to reopen Plaintiff's case. That is, the Court finds no evidence of mistake, no newly discovered relevant evidence, no evidence of fraud, no evidence that the judgment is void, and no other basis for relief. Fed. R. Civ. P. 60(b). Moreover, nothing in the law has

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changed that would permit this court to examine the discretionary acts of the Summit County

Prosecutor and the Social Security Administration: this Court still lacks subject matter jurisdiction

over Plaintiff's claim. The Court thus DENIES Plaintiff's motion to reopen the case and

accompanying prayer for relief.

IT IS SO ORDERED.

Dated: July 29, 2011 /s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE